United Nations A/HRC/30/NGO/142

General Assembly

Distr.: General
9 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15325(E)

Please recycle

Arbitrary detention in Egypt and Switzerland and the United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court

International-Lawyers.Org expresses its appreciation for the efforts of the Working Group on Arbitrary Detention (WG), which plays a crucial role in the protection of the human rights of the most vulnerable persons in the world.

We welcome especially the United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court in UN Doc. A/HRC/30/37 (2015) and especially article 6 that states that a court must be a "competent, independent and impartial judicial authority."

We draw to the WG attention the serious situation of widespread arbitrary detention in Egypt, where arbitrary detention is being used by authorities that came to power by a military coup to treat the members of the elected government of President Mohammed Morsi and his supporters in an inhumane and degrading manner. Although we appreciate that the WG has acted in an urgent manner on several complaints of arbitrarily detained Egyptians, there are dozens who have neither the means nor ability to communicate to the WG. We note that President Morsi himself and his leading supporters such as Mr. Khierat al-Shater, and many others, remain in detention—detentions that are illegal under Egyptian law as well as arbitrary and contrary to international human rights law. These detentions constitute serious, widespread violations of human rights that are reliably attested by human rights bodies and not even denied in full by the Egyptian authorities. We ask the WG to consider bringing this issue to the Council's mechanism for Situations with a view to taking action to end these massive abuses of human rights that include the wilfully unfair trials, arbitrary detentions, and inhumane conditions of detention.

We also call on the Working Group to act on the case of Dr. Mohamed el-Ghanam a prominent Egyptian who was granted asylum in Switzerland and then subjected to almost a decade of arbitrary detentions for his refusal to spy on fellow Muslims on behalf of the Swiss State. Although a Swiss court released Dr. el-Ghanam from his detention—which was allegedly on grounds of mental illness, but in a facility that had no facilities to treat mental illness—he remains incarcerated in a secure medical facility although he has never committed or been convicted of a crime of any magnitude. We urge the WG, which is already vested of this case, to remind the Swiss authorities of their obligation to compensate Dr. el-Ghanam his arbitrary detention and that he remains arbitrarily detained in the secure facility that prevents him from seeking treatment of his own choosing despite the fact that he has never been convicted of a crime. We also note in this regards, that any mental illness from which he may suffer is likely the result of his inhumane and degrading treatment by the Swiss authorities over an extended period of time.

For further information please contact: Office@International-Lawyers.Org